

## REMARKS

The Examiner refused to enter the substitute specification which was filed on January 8, 2002, due to a lack of conformity with 37 C.F.R. § 1.125. In particular, the Examiner has required that a full clean form of the substitute specification be submitted. In response to this objection, Applicants are submitting a substitute specification herewith, for the entire original application.

The Examiner also rejected the specification on the grounds that claim 27's reference to "a biological heart" was not described in the specification. In response to this rejection, Applicants respectfully direct the Examiner to pages 2 and 3 of the filed application, in which biological signals, particularly cardiac signals, are specifically identified. Applicants submit that this description constitutes sufficient antecedent basis for a biological heart. Nevertheless and in order to advance the prosecution of the case, Applicants have amended paragraphs 4 and 9 of the specification to specify that biological signals include signals emanating from a biological heart. Additional support for this amendment can be found in the original application at now canceled claim 7. If the Examiner has any issues with this amendment, he is strongly encouraged to contact the attorneys for Applicants at his earliest convenience.

The Examiner has rejected claims 21-23, 25, 28-30, 32-34, 36, 38 and 39 under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,764,509, issued to Gross *et al.* The Examiner also indicated that claims 24, 26, 27, 31, 35 and 37 would be allowable if rewritten in independent form, while including all of the limitations of the base claims and any intervening claims.

In response to the Examiner's rejections and in order to advance the prosecution of the case, Applicants have amended claims 24, 26, 27, 31, 35 and 37 as the Examiner has suggested, placing each of these claims in independent form. Claims 21, 29-30 and 32 have been cancelled. Additionally, Applicants have also amended claims 22, 23, 25 and 28 to be dependent upon now allowable claim 24. Furthermore, claims 33, 34, 38 and 39 have been amended to be dependent

upon now allowable claim 37, while claim 36 has been amended to be dependent upon now allowable claim 35. As all of these dependent claims are now dependent upon claims which the Examiner has deemed allowable, Applicants submit that these claims are now allowable as well over the prior art.

Lastly, Applicants have made a number of minor technical corrections to claims 35 and 36. Claim 35 was amended to include the word “the” before “comparing means” while claim 36 was amended to include the word “comprising” which was inadvertently omitted from the claim. In making these amendments, Applicants do not intend to alter the scope of these claims in any way, but to only place the claims in proper technical form. If the Examiner has any questions, he is strongly encouraged to contact the attorneys for Applicants at his earliest convenience.

Applicants therefore submit that all outstanding objections and rejections have been overcome by the foregoing amendments and remarks, and that the application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


A fee of \$129.00 was previously submitted in the Amendment and Reply of April 30, 2004. However, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No.

06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

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